

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 14121

PERMIT 8721

LICENSE 4371

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS License 4371 was issued to Tressa L. Ellez and Estate of Leo A. Ellez and was filed with the County Recorder of San Diego County on June 8, 1956, and

WHEREAS said license was subsequently assigned to Frank Marchant and Marie Marchant, and

WHEREAS the State Water Resources Control Board has found that the change in point of diversion under said license for which petition was submitted on June 29, 1965, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe the points of diversion in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said License 4371 to points of diversion described as follows, to wit:

- (1) SOUTH 2°0' WEST 219 FEET FROM NE CORNER OF SE $\frac{1}{4}$  OF NE $\frac{1}{4}$  OF SECTION 4, T15S, R7E, SBB&M, BEING WITHIN SE $\frac{1}{4}$  OF NE $\frac{1}{4}$  OF SAID SECTION 4.
- (2) NORTH 325 FEET AND WEST 1,056 FEET FROM E $\frac{1}{4}$  CORNER OF SECTION 4, T15S, R7E, SBB&M, BEING WITHIN (TRACT 37) SE $\frac{1}{4}$  OF NE $\frac{1}{4}$  OF SAID SECTION 4.

Dated: APR 23 1968

*K. L. Woodward*  
K. L. Woodward, Chief  
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

## License for Diversion and Use of Water

APPLICATION 14121

PERMIT 8721

LICENSE 4371

THIS IS TO CERTIFY, That Tressa L. Ellez and Estate of Leo A. Ellez  
704 Highland Avenue  
National City, California, <sup>have</sup> made proof as of April 28, 1954, <sup>Notice of Assignment (Over)</sup>

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of Canebrake Creek in San Diego County

tributary to Vallecitos Creek, thence Carrizo Creek

for the purpose of domestic use

under Permit 8721 of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from January 8, 1951; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed five hundred (500) gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located south two degrees no minutes west (S2°00'W), two hundred nineteen (219) feet from NE corner of SE1/4 of NE1/4 of Section 4, T15S, R7E, SBB&M, being within SE1/4 of NE1/4 of said Section 4.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within SE1/4 of SE1/4 of Section 34, T14S, R7E, SBB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public  
Works of the State of California, this 21st  
day of May, 1956

HARVEY O. BANKS, State Engineer

By

L. C. JOPSON  
Assistant State Engineer



10/14/57 RECEIVED NOTICE OF ASSIGNMENT TO 11. Elly to Tressa Elly Mrs. Carter

10/17/60 - Name chg. to Tressa L. Elly

7/19/65 RECEIVED NOTICE OF ASSIGNMENT TO Frank Marchant + Marie Marchant

11/7/68 - Int of Tressa Marchant to Marie Marchant

9/13/69 RECEIVED NOTICE OF ASSIGNMENT TO H. S. and Grace W.

4-16-70 RECEIVED NOTICE OF ASSIGNMENT TO Canebrake County Water District;

LICENSE 4371

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Tressa L. Elly and Estate of

Leo A. Elly

DATED MAY 21 1956

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